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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#33

In re application of: ) Examiner: B. CASLER  
DICKINSON, et al. )  
Serial No.: 08/427,070 ) Art Unit: 3737  
Filed: April 24, 1995 )  
For: MAGNETIC RESONANCE ) OCT 10 2001  
APPARATUS )  
Date of Last Office Action: )  
Attorney Docket No.: ) Cleveland, OH 44114  
PKR 2 0363-4-1 ) October 6, 2001

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REISSUE DECLARATION

Assistant Commissioner  
For Patents  
Washington, D.C. 20231

Dear Sir:

We, Robert J. DICKINSON, a citizen of the United Kingdom residing at 37 Broomwood Road, London SW11 6HU, ENGLAND, and Christopher P. RANDELL, a citizen of the United Kingdom residing at Gable End, Beech Way, Guildford, Surrey GU1 2TA, ENGLAND, believe that we are the original, first, and joint inventors of the subject matter described and claimed in U.S. Patent No. 5,202,224 and in reissue application Serial No. 08/427,070 as filed and amended through Amendment F mailed on 6 July 2001, both entitled:

## MAGNETIC RESONANCE APPARATUS.

We hereby state that we have reviewed and understand the contents of the above-referenced specification including the amended claims. We have also reviewed and understand the contents of any amendments to the claims made in reissue Amendments A-F. We hereby state that any subject matter added in claims 18-22 was part of the original invention.

We further declare that we do not believe that the claimed invention was ever known or used in the United States before our invention thereof. We

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acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

Statement of Inoperativeness or Invalidity

We declare that the original patent is wholly or partially inoperative by reason of a defective specification, a defective drawing, and the fact that we claimed more or less than we had a right to claim in the original patent.

These errors were made without any deceptive intent.

The specification of the original patent is insufficient because, although it refers to "rails or rollers" at column 3, line 38, it fails to provide reference characters for these items. These errors arose during prosecution of the patent because, at that time, we failed to realize the full significance of the rails or rollers.

The drawing of Figure 3 of the original patent is incomplete because it fails to show the lower pole piece 1 which should have been partially visible in the sectional view of Figure 3.

The drawings of Figures 3, 4, and 5 of the original patent are insufficient because they fail to illustrate the rails or rollers on which the lower horizontal rectangular planar table portion 31 is mounted. This error arose during the prosecution of the original patent when we failed to realize the significance of illustrating and claiming the described rails or rollers.

The original patent is also partially inoperative by reason of our claiming less than we had a right to claim. Specifically, the original patent describes but fails to claim the inventions of:

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In an MRI system including an NMR polarizing magnet having opposed upper and lower horizontal poles defining a MRI image volume within a gap between the poles that is open about at least three sides, the improvement comprising:

a movable patient transport supporting a horizontal patient bed and passing across said lower magnet pole while interjecting the patient bed into said gap so as to permit substantially adjacent patient access along a side of the patient while the patient is positioned within the MRI image volume,

said patient transport having a first position wholly outside of the gap, and at said first position the movable patient transport being enabled to allow movement of the bed, and

said patient transport having a second position in the gap and fixed with respect to the upper and lower magnet poles during an MRI imaging procedure, the patient transport being rotatable in a plane substantially parallel to the horizontal poles in any of the first position, the second position, and a plurality of positions therebetween.

Such a method is claimed in independent claim 18.

The original patent disclosed but failed to claim the invention of:

A MRI system as set forth above wherein said movable patient transport comprises:

means for moving the patient bed in at least two dimensions with respect to said upper and lower pole pieces, while said patient transport is in said second position.

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Such a system is claimed in dependent claim 19.

The original patent disclosed but failed to claim the invention of:

A method for positioning a patient for MRI using an NMR polarizing magnet with a C-shaped cross-section, said method comprising:

placing said patient on a movable and rotatable bed while said bed is wholly outside of the NMR polarizing magnet;

at least one of moving and rotating said bed in a plane substantially parallel to a floor towards said NMR polarizing magnet and into juxta-position with an open gap of the C-shaped magnet; and

at least one of moving and rotating said bed in the plane across a lower pole face of the magnet and into said open gap thus leaving unobstructed adjacent access to the patient along an entire patient body side while the patient is disposed within said open gap.

Such a method is claimed in independent claim 20.

The original patent disclosed but failed to claim the invention of:

In an MRI system including an NMR polarizing magnet having opposed upper and lower horizontal poles defining an MRI image volume within a gap between the poles that is open on at least three sides, the improvement comprising:

a movable and rotatable patient transport supporting a horizontal patient bed, the patient support moving and rotating in a plane substantially parallel to the horizontal poles and passing across said lower pole while

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moving the patient bed into an imaging position in the gap, thereby permitting substantially adjacent patient access along a side of the patient while the patient transport is positioned in the imaging position and the patient is positioned within the MRI image volume, and

the patient bed moving and rotating between the imaging position and a displaced position wholly outside of the upper and lower poles.

Such a method is claimed in independent claim 21.

The original patent disclosed but failed to claim the invention of:

A method for positioning a patient for MRI using an NMR polarizing magnet having opposed upper and lower horizontal poles defining an MRI image volume within an open gap between the poles that is open on at least three sides, the method comprising:

at a location wholly outside of the upper and lower horizontal poles, placing said patient on a movable and rotatable bed;

moving and rotating said bed in a plane substantially parallel to the horizontal poles into juxtaposition with said open gap; and

continuing to move and rotate said bed into said open gap while moving and rotating said bed over a face of the lower pole, thus leaving unobstructed adjacent access to the patient along an entire patient body side while the patient is disposed in said open gap.

Such a method is claimed in independent claim 22.

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The error of claiming less than we had a right to claim arose because we failed to recognize that the claims of the above-described scope constituted a patentable invention.

The error in the specification has been corrected by adding reference numeral 32. The error in the drawings has been corrected by adding the pole piece and reference numeral 1 to Figure 3 and by adding phantom boxes and corresponding reference numeral 32 to illustrate the rails or rollers now numbered 32. The error in failing to claim the movement of the patient support 1 and the mechanism which enables it to so move has been cured by the addition of new claims 18-22.

All errors which are being corrected in the present reissue application up to the filing of this Declaration arose without any deceptive intention on the part of the applicants.

We declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

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DATE: October 9, 2001

TO: U.S. Patent Office; Art Unit 3737

ATTENTION: Examiner B. CASLER

FACSIMILE NO.: (703) 308-0758 / 303-3590

FROM: Thomas E. Kocovsky, Jr.

RE: US Ser. No. 08/427,070; Filed 04/24/95

Total number of pages (including this cover sheet): 7

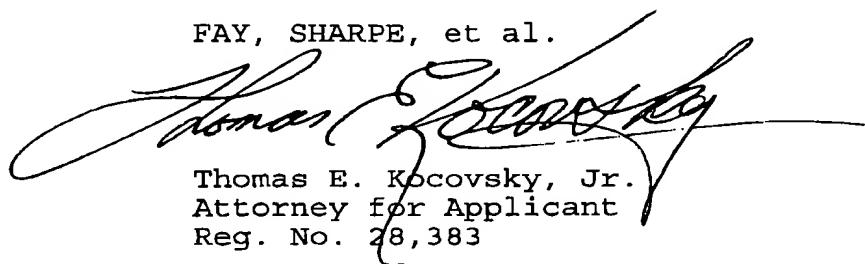
Please call us immediately at (216) 861-5582 if the telecopy you receive is incomplete or illegible. Our facsimile numbers are (216) 241-1666 and (216) 241-5147.

Dear Examiner Casler:

We have prepared the enclosed Reissue Declaration. Because both inventors are in England, we would like to be sure that the Reissue Declaration meets all of the Patent Office Requirements. This should expedite the Declaration signing and submission process and allowance of the application. We ask that you show the enclosed Reissue Declaration to the appropriate paralegal and telephone us with any additional requirements which the paralegal may raise or to advise us that it is satisfactory.

Very truly yours,

FAY, SHARPE, et al.



Thomas E. Kocovsky, Jr.  
 Attorney for Applicant  
 Reg. No. 28,383

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